

Phenolphthalein 2 grains," borne on the labels of the bottles containing the respective articles, were false and misleading.

On November 24, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17861. Misbranding of Coloni-Compound. U. S. v. 70 Bottles of Coloni-Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25237. I. S. No. 213. S. No. 3513.)**

Examination of samples of a drug product, known as Coloni-Compound, from the herein-described interstate shipment having shown that it contained less alcohol than declared on the label, and that the labels bore claims of curative and therapeutic properties that it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On November 1, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of 70 bottles of Coloni-Compound, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Coloni Laboratories, St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about June 6, 1930, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including valerian, alcohol (17.6 per cent), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, together with several circulars in the Spanish language containing similar statements, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle labels) "A prescription of proven merit in the treatment of irregularities commonly referred to as female troubles. A uterine tonic and [on carton only "efficient"] regulator indicated particularly in menstrual disorders, amenorrhea, dysmenorrhea, leucorrhea, cramps, colic, backache, and congestion. \* \* \* an ideal uterine tonic and regulator for nervous, weak, run-down women and girls reaching puberty, to relieve congestion. A reconstructive tonic and potent builder, intended to aid assimilation and proper function of the digestive system, which is essential to maintaining normal action of the body;" (bottle only) "When fatigued, in cramps or colic, a tablespoonful." Misbranding was alleged for the further reason that the statement on the carton, "Alcohol 22%," was false and misleading, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the declaration of alcohol was incorrect.

On January 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17862. Misbranding of Radumac. U. S. v. 24 Dozen Bottles of Radumac. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25097. I. S. No. 448. S. No. 3383.)**

Examination of samples of a drug product, known as Radumac or Radiumac, from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties for the article that it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 8, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of 24 dozen bottles of Radumac at El Paso, Tex., alleging that the article had been shipped by the Radumac Mineral Co., from Los Angeles, Calif., on or about July 30, 1930, and had been transported from the State of California into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a water solution of aluminum sulphate, iron sulphate, calcium sulphate, magnesium sulphate, sodium sulphate, and sulphuric acid.

The article was labeled in part: (Bottle label) "Radumac \* \* \* Penetrates and Prevents Germs. Has Proven Highly Beneficial and Given Prompt Relief in Rheumatism, Neuritis, Neuralgia, Tonsillitis, Sore Throat, Stomach Diseases, Bowel Complaints, Piles and Hemorrhoids, \* \* \* Open Sores and Ulcers;" (circular) "Radiumac \* \* \* Remineralization for perfect health (to have that 'Peppy Go-Getter' feeling) it is \* \* \* if you feel tired, run-down, no energy, can't sleep, poor appetite and bad digestion, your mineral balance is probably not right. Radiumac, taken as directed, will assist in restoring the body minerals. \* \* \* Radiumac Has Been Found Useful in Run Down Conditions, \* \* \* Eczema \* \* \* Bleeding \* \* \* Blood \* \* \* Boils, Carbuncles, \* \* \* Chilblains, \* \* \* Convalescence \* \* \* Hypopepsia (Indigestion) \* \* \* Ingrowing Toenails, \* \* \* Leucorrhoea, Whites, Vaginal Discharge \* \* \* Malnutrition \* \* \* Mucous Colitis (Catarrh of the Colon—Inflammation of the Colon) \* \* \* Nervousness \* \* \* Piles \* \* \* Trench Mouth, Sore Gums or Loose Teeth, and Toothache \* \* \* Tonsillitis \* \* \* Worms."

It was alleged in the libel that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article, when used as directed, would not be an effective remedy in the treatment of the ailments set forth above from the said bottle label and circular.

On October 30, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17863. Misbranding of Garrett's Constitutional Virginia Dare wine tonic. U. S. v. 85 Cases of Garrett's Constitutional Virginia Dare Wine Tonic. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25498, 25499. I. S. Nos. 9315, 9317. S. Nos. 3728, 3729.)**

Examination of samples of a product, labeled as Garrett's Constitutional Virginia Dare wine tonic, from the herein-described interstate shipments having shown that the labels bore claims of curative and therapeutic properties for the article that it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On December 17, 1930, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 113 cases of the said Garrett's Constitutional Virginia Dare wine tonic, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Fruit Industries (Ltd.), from New York, N. Y., in various consignments on or about October 25, October 28, and November 17, 1930, respectively, and had been transported from the State of New York into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the red variety consisted essentially of alcohol (22.58 per cent), sodium glycerophosphate (1.2 per cent), nitrogenous matter, a bitter principle, reducing sugar, and water; and the white variety consisted essentially of alcohol (22.32 per cent), sodium glycerophosphate (0.9 per cent), nitrogenous matter, a bitter principle, reducing sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the carton and bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Constitutional \* \* \* Tonic, \* \* \* of great Tonic Value in itself. \* \* \* Especially recommended in cases of Anemia (pernicious or mild), as it contains the best known relief for such cases, and to convalescents as an aid in \* \* \* building up run-down systems. \* \* \* Blood Building Preparation Agrees With the Constitution, \* \* \* Strength, Health, Vitality, \* \* \* For building up run-down systems;" (bottle) "Constitutional \* \* \* Tonic, \* \* \* of great Tonic value in itself. \* \* \* Especially recommended in case of Anemia, \* \* \* as it contains the best known relief for such cases, and to convalescents as an aid in building up run-down systems. \* \* \* Health Products, \* \* \* Strength, Health, Vitality."